

COMMON ORDER IN O.A. NO. 1120/2023 AND O.A. NO. 145/2024
WITH M.A. NO. 87/2024

O R D E R

- (i) Original Application No. 1120/2023 and Original Application No. 145/2024 both stand dismissed.
- (ii) In view of dismissal of Original Application No. 145/2024 the Misc. Application No. 87/2024 therein stands disposed of.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

1. At this juncture learned counsel appearing for the applicants have urged for staying the effect and operation of the order passed by this Tribunal for next 04 weeks, so as to enable the applicants to approach the Hon'ble High Court. Learned counsel submitted that during the pendency of the hearing of the present OAs a statement was made by learned C.P.O. while seeking time to file affidavit in reply in the matters that no further steps will be taken till filing of the affidavits in reply by the respondents and the said statement was continued till decision of the OAs i.e. till today. Learned counsel submitted that in view of the fact that some

protection was operating in favour of the applicants and having considered the fact that the issues raised in the present matters are debatable, an opportunity needs to be given to the applicants. Learned counsel submitted that if the protection is not extended the appointments would be issued and the purpose of filing the applications would get frustrated.

2. Request so made by the learned counsel for the applicants is opposed by the respondents in the present matters. It is contended that only because this litigation was made that the further process was not completed. It is further submitted that the applicants have already made considerable delay in approaching the Tribunal and, as such, no further time be granted.

3. We have duly considered the submissions made on behalf of the parties. It is true that the recruitment process has started much earlier and it is at the verge of its completion. The applicants whose rights are involved certainly have a right to avail the remedy of approaching the higher forum. The issue which is raised in the present O.A. also deserves consideration at the higher forum. In the circumstances, we are inclined to pass the following order: -

ORDER

The effect and operation of the order passed by this Tribunal today shall stand stayed for 04 weeks from the date of this order.

MEMBER (A)

Place : Aurangabad

Date : 10.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 932/2023

ORDER

[i] Clause 5 of the G.R. dated 04-05-2023 issued by Women and Child Development Department to the extent it restricts the applicability of the said G.R. only to the extent of advertisement no.83/2021 issued by Maharashtra Public Service Commission and to the process of recruitments commenced after 29-09-2022, is held unconstitutional and hence set aside.

[ii] It is declared that the benefit of the G.R. shall be applicable to all recruitments commenced subsequent to advertisement no.83/2021.

[iii] Applicants are held entitled for the benefit of the G.R. dated 04-05-2023. Consequently, respondents are directed to issue appointment orders in favour of the applicants against the seats reserved for Open Female candidates within 6 weeks from the date of this order.

[iv] Respondent nos.4 and 5 have been appointed provisionally subject to outcome of the present O.A. Their appointments be confirmed against the seats in the categories to which they belong. Surplus female candidates be appropriately adjusted against the unfilled seats.

MEMBER (A)
Place : Aurangabad
Date : 10.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 483 OF 2023
(Venkat M. Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application as the applicant came to be retired by attaining the age of superannuation.

3. In view of above, leave granted.

4. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

**T.A.NO. 19 OF 2022 (W.P.NO. 12463 OF 2021)
(Ramdas K. Kolekar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel holding for Shri D.R. Jaybhar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 10.07.2024.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 550 OF 2024
(Syed Mukarram Ali Hashmi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12.07.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 550/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 12.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 552 OF 2024
(Gajanan Nagnath Swami Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.07.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 552/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 10.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 308 OF 2023
(Dattatray B. Kakde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri V.Y. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 21.06.2024 for filing affidavit in rejoinder if any and for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 181 OF 2024
(Pankaj M. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder.

3. S.O. to 27.06.2024 for filing rejoinder/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 131 OF 2024
(Sangeeta G. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri G.V. Hiranbai-Mohekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 14.06.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 157 OF 2024
(Mr. Swapnil P. Kale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that during course of the day, the affidavit in reply will be filed.

3. S.O. to 14.06.2024 for filing affidavit in rejoinder, if any/for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 282 OF 2024
(Smt. Manjusha K. Babhale Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, Shri A.D. Gadekar, learned counsel for respondent No.5 and Shri S.N. Janakwade, learned counsel for respondent No.6, are present.

2. At the request made on behalf of respondents, time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 26.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 400 OF 2024
(Arun M. Lakwal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 4. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 27.06.2024.

4. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 18.06.2024.

4. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 18.06.2024 along with O.A.No. 399/2024.

4. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if any. Time granted.

4. The present matter be kept along with O.A.No. 436/2024 on 18.06.2024 for filing rejoinder/for hearing.

5. The interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO. 304 OF 2023 IN O.A.ST.NO. 864 OF 2023
(Vanil B. Koli Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. List the matter for hearing on 10.07.2024 with liberty to other side to file reply if any, till then.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**M.A.NO. 541 OF 2023 IN O.A.ST.NO. 2227 OF 2023
(Aditya B. Titme Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri I.S. Thorat, learned counsel holding for Shri S.K. Shinde, learned counsel for the applicant and Smt. R.S. Desehmukh, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. List the matter for hearing on 26.06.2024 with liberty to other side to file reply if any, till then.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**M.A.NO. 583 OF 2023 IN O.A.ST.NO. 2314 OF 2023
(Venketrao K. Mutyal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Smt. M.A. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3 along with spare copy for the other side.

3. List the matter for filing affidavit in rejoinder, if any and for hearing on 10.07.2024.

MEMBER (J)

**M.A.NO. 152 OF 2024 IN O.A.ST.NO. 923 OF 2024
(Kantabai A. Bhatpude Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No. 2 along with spare copy for the other side.

3. List the matter for filing affidavit in rejoinder, if any and for hearing on 12.07.2024.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**ORIGINAL APPLICATION NO. 1044 OF 2023
(Hussaini A. Samra Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 26.06.2024.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**ORIGINAL APPLICATION NO. 124 OF 2024
(Mohammed Farrok Shujaiddin Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 26.06.2024.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 547 OF 2024
(Dipak Kishor Joshi & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Umesh S. Mote, learned counsel holding for Shri Bharat R. Waramaa, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.07.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 547/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 05.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 464 OF 2024
(Ankush C. Gavalwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Kanade Angad L., learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 10.06.2024 for taking instructions.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 380 OF 2024
(Manohar L. Khillari Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri H.V. Patil, learned counsel holding for Shri B.N. Magar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 04.07.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 380/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 04.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**M.A.NO. 171 OF 2024 IN O.A.ST.NO. 356 OF 2024
(Dattatray M. Kulkarni Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri A.S. Pawar, learned counsel holding for Shri V.B. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 12.07.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// M.A. 171/2024 in
O.A.St. 356/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 12.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**M.A.NO. 68 OF 2024 IN O.A.ST.NO. 332 OF 2024
(Rahul B. Waghmare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri R.K. Khandelwal, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. It appears that though in paragraph No. 11, it is stated that there is a delay of 4 years and 8 months to approach this Tribunal, however, in prayer clause 'B' by way of amendment dated 21.02.2024, the delay is now only counted as 28 days.

3. According to the applicant, the time was spent in obtaining the death certificate of the deceased father so also heirship certificate in favour of the applicant from competent court and caste certificate from competent authority and therefore, the delay has been caused in approaching this Tribunal. Further due to financial problem the delay has also been occurred.

4. Learned Presenting Officer for the respondents submits that appropriate order may be passed.

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5. In view of above and for the reasons stated in the application, I am inclined to condone the delay. Hence, the following order: -

ORDER

The Misc. Application No. 68/2024 is allowed in following terms:-

- (A) The delay of 28 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned.
- (B) The accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (C) No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 332 OF 2024
(Rahul B. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri R.K. Khandelwal, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12.07.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 332/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 12.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 987 OF 2023
(Dr. Shaikh Salim Gulab Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 20.06.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 892 OF 2023
(Ashok S. Shirsath Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent No.3.

2. At the request of learned counsel for the applicant, re-issue notices to respondents, returnable on 09.07.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//2// O.A. 892/2023

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 09.07.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 665 OF 2023
(Sahas J. Mandlik Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that if the prayer clause 'D' of the Original Application is considered and the respondent No.1 is directed to decide the applicant's representation dated 12.07.2023, the purpose of filing of this Original Applicant would be served.

3. Learned counsel for the applicant submits that for time being, the applicant does not want to press other prayers, if his representation is considered.

4. Learned Presenting officer for the respondents submits that if this Tribunal is inclined to give direction to respondent No.1 to decide the said representation, the respondent No.1 may be directed to decide the said representation on its own merits.

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5. In view of submissions, this Original Application can be disposed of by directing the respondent No.1 to decide the above stated representation in time bound manner on its own merits. Hence, the following order:-

ORDER

- (A) The Original Application is hereby partly allowed.
- (B) The respondent No.1 is hereby directed to decide the applicant's representation dated 12.07.2023 on its own merits as expeditiously as possible preferably within the period of three months from the date of this order.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Original Application is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 69 OF 2024
(Satish U. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 26.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 398 OF 2024
(Rajesh G. Polkamwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri V.C. Patil, learned counsel holding for Shri V.D. Patnoorkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 20.06.2024. Status quo granted earlier to continue till then.

MEMBER (J)

**M.A.NO. 510 OF 2022 IN O.A.ST.NO. 571 OF 2022
(Ashok G. Jondhale & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri H.V. Patil, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 10.05.2024

**M.A.NO. 133 OF 2023 IN O.A.ST.NO. 264 OF 2023
(Yashoda A. Rathod & Ors. Vs. State of Maharashtra &
Ors.)**

WITH

**M.A.NO. 135 OF 2023 IN O.A.ST.NO. 266 OF 2023
(Sahebjaan Gulab @ Babu Tadvi & Ors. Vs. State of
Maharashtra & Ors.)**

WITH

**M.A.NO. 137 OF 2023 IN O.A.ST.NO. 306 OF 2023
(Chaya K. Avhad & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicants in all these cases and S/Shri A.P. Basarkar and D.M. Hange, learned Presenting Officers for the respondent authorities in respective cases, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 843 OF 2023
(Bhagwat M. Kavhar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri M.K. Bhosle, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.
3. List the matter for hearing on 12.06.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 844 OF 2023
(Sunil D. Kakde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri M.K. Bhosle, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.
3. List the matter for hearing on 12.06.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 544 OF 2023
(Umesh D. Palve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 14.06.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 964 OF 2022
(Vijaykumar M. Nawale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Smt. Archana Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent No.5, are present.

2. At the request of learned P.O. for respondent Nos. 1 & 2 and learned counsel for respondent No.5, time granted as a last chance for filing affidavit in reply on behalf of said respondents.

3. S.O. to 04.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities for some time.

2. In terms of the ratio laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India (UOI) & Ors., (2015) 2 S.C.R. 415**, the applicant is entitled for revocation of suspension with immediate effect. In the instant case, the applicant came to be suspended by order dated 21.08.2023 and even till today, no charge-sheet of the Departmental Enquiry has been served on him. Furthermore, when this Tribunal has made a specific query to the learned Presenting Officer as to whether the issue about the suspension of the applicant is placed before the Review Committee, learned Presenting Officer replied to the aforesaid query that the issue is not placed before the Review Committee and the Review Committee has not taken

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O.A. No. 834/2023

any decision, since the matter is pending before the concerned Hon'ble Minister.

3. In view of above submissions, which is contrary to the ratio laid down in the aforesaid case of **Ajay Kumar Chaoudhary Vs. Union of India (UOI) & Ors., (2015) 2 S.C.R. 415** and G.R. dated 09.07.2019 issued by the General Administration Department, State of Maharashtra, the respondent authorities are hereby directed to revoke the suspension order of the applicant immediately and inform this Tribunal accordingly on the next date of hearing.

4. Learned Presenting Officer is at liberty to file detailed affidavit in reply.

5. S.O. to 28.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 309 OF 2024
(Sanjay Chandba Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by order dated 22.06.2023, the applicant, who was working as Assistant Block Development Officer, Gangapur came to be transferred to Chh. Sambhajinagar on his personal medical ground, so also on the ground that his old aged mother is suffering from heart disease. Learned counsel on instructions submits that the applicant is ready to withdraw the present Original Application with liberty to file representation to consider the aforesaid medical grounds for his transfer at Chh. Sambhajinagar afresh.

3. Learned Presenting Officer submits that if such a representation is submitted by the applicant, the respondent authorities will be considered the same, if the vacancy is available at Chh. Sambhajinagar, so also in accordance with law.

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O.A. No. 309/2024

4. In view of above submissions, the present Original Application can be disposed of by giving suitable directions to the respondent authorities. Hence, the following order :-

ORDER

(i) The Original Application is disposed of as withdrawn with the following directions :-

(a) The applicant is at liberty to file a representation afresh for his transfer at Chh. Sambhajinagar on his personal medical ground, so also on the health issue of his old aged mother and upon filing of such representation, the respondent authorities shall consider the same in the Annual General Transfers of the year 2024 in accordance with law, however adhering to the grounds raised in the application about the health issues.

(ii) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 352 OF 2024
(Ganesh P. Bothikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel Smt. Vijaya Adkine, holding for Shri V.B. Wagh, seeks adjournment on account of sad demise of close relative of Shri V.B. Wagh.

3. Learned Presenting Officer is ready to work out the matter, since the interim order is operating in favour of the applicant. Learned P.O. submits that both the conditions of the directives issued by the Election Commission of India dated 21.12.2023 have been fulfilled in this case. Firstly the revenue district Hingoli is the home district of the applicant and secondly, the applicant has completed more than three years out of last four years of his service in revenue district Hingoli. Learned P.O. submits that by communication dated 09.05.2024, it is clear that the applicant has been assigned with the duties

//2//

O.A. No. 352/2024

connected directly to the elections and as such, the revenue district Hingoli being his home district, he cannot be retained there.

4. In view of the aforesaid situation, since learned counsel for the applicant Shri V.B. Wagh is unable to attend the Court, learned Presenting Officer is at liberty to mention this Original Application in the summer vacation.

5. Status quo granted earlier to continue.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 112 OF 2024
(Aniruddha Prakash Sontakke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Deelip Mutalike, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. By way of this Original Application, the applicant is seeking directions to the respondent Nos. 1 to 3 to consider his case for transfer to Pune at the time of ensuing General Transfers to be effected in the months of April-May-2024.

3. Learned counsel for the applicant submits that the applicant's son aged about 14 years old is suffering from Autism Spectrum Disorder and sometimes he acts in hyper manner. It is difficult for his wife to control her son alone. Further wife of the applicant is also suffering from cancer. The applicant's wife and his son are presently residing at Pune for the reasons that better medical facilities are available at Pune and further the said son of the applicant is also taking education in the Special

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O.A. No. 112/2024

School at Pune. The applicant has submitted detailed representation on 09.11.2023 (Annexure A-5 collectively) in this regard and the same is pending. Learned counsel submits that the post on which the applicant can be accommodated is vacant at Pune. In this context, learned Presenting Officer is directed to take specific instructions.

4. Learned Presenting has now received instructions in writing and placed on record a copy of communication dated 09.05.2024 before this Tribunal. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that the respondent No. 2 has informed that the decision about the transfer of the applicant will be taken in the Annual General Transfers of the year 2024.

5. In view of above discussions, the present Original Application is disposed of. Hence, the following order :-

ORDER

- (i) The Original Application is hereby partly allowed.

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O.A. No. 112/2024

- (ii) The respondent authorities are hereby directed to consider the representation filed by the applicant on 09.11.2023 (Annexure A-5 collectively) on the grounds mentioned in the said representation in the Annual General Transfers of the year 2024 as agreed by communication dated 09.05.2024 (document 'X').
- (iii) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 713 OF 2023
(Dr. Waman N. Bahatre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that though the applicant has submitted representation on 14.06.2023 seeking modification in the transfer order for the reason that the applicant has spent 15 years in Naxalite area and also worked in Tribal area and after attaining the age of 50 years contrary to the G.R., the applicant again posted in the Tribal area. The applicant has given certain choices of transfer in the said representation dated 14.06.2023. However, during pendency of the present Original Application, those choices of transfer have been filled up.

3. Learned counsel for the applicant on instructions submits that the applicant is ready and willing to file a representation afresh by giving another choices, where the posts are vacant.

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O.A. No. 713/2023

Learned counsel submits that upon filing of such representation, the respondent authorities may be directed to consider the same in the Annual General Transfers of the year 2024 in terms of the grounds raised in the representation, so also considering the vacancies at the place of choices. Learned counsel submits that the present Original Application may be disposed of by giving the said directions.

4. Learned Presenting Officer submits that in the event, if such a representation is filed by the applicant afresh, the respondent authorities may be directed to decide the same on its own merits.

5. It appears from the G.R. dated 06.08.2002 particularly clause no. 5 of the said G.R. that after completion of age of 50 years, such a Government employee may not be posted in the Tribal / Naxalite area. It is a part of the record that the applicant has spent maximum time of his service tenure in the Tribal / Naxalite area.

6. In view of the same, if the applicant submits the representation afresh, the respondent authorities are hereby directed to consider and decide the same

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O.A. No. 713/2023

on its own merit in accordance with law in the Annual General Transfers of the year 2024. The Original Application is accordingly disposed of. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 129 OF 2023

(Abhay P. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri K.B Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer on oral instructions received from the department submits that the service book of the applicant has been sent to the Pay Verification Unit for verification of pay in connection with the pensionary benefits to be granted to the applicant, as the applicant came to be retired on 31.12.2021. However, the Pay Verification Unit has raised certain objections and after removal of those objections, the appropriate decision will be taken about the grant of pensionary benefits to the applicant.

3. In terms of the order dated 24.03.2023, the department has paid the provisional pension to the applicant for a period of six months i.e. from January, 2022 to June, 2022. However, thereafter no provisional pension has been paid to the applicant.

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O.A. No. 129/2023

4. Learned counsel for the applicant submits that the respondent authorities may be directed to give the provisional pension to the applicant for remaining period till date. There is no hurdle as such to grant provisional pension to the applicant.

5. In view of the same, the respondent authorities are hereby directed to pay the provisional pension for the remaining period to the applicant forthwith. In the event, if the provisional pension is not paid to the applicant, the respondent No. 6 shall remain present personally before this Tribunal and explain about the same.

6. S.O. to 28.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 73 OF 2023
(Jyoti C. Hatkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri D.K. Rajput, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It appears that due to registration of Crime No. 90/2018 and since the applicant came to be suspended in connection with the said crime and remained in Police and Magistrate custody for more than 48 hours, by order dated 12.09.2022 the applicant came to be suspended w.e.f. 25.07.2022.

3. Learned Presenting Officer on the basis of affidavit in reply on behalf of respondent Nos. 1 to 5 submits that the Departmental Enquiry was initiated against the applicant on 31.08.2023. It thus appears that the charge-sheet of the Departmental Enquiry was not served on the applicant within a period of 90 days as mandate of the Hon'ble Supreme Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India (UOI) & Ors., (2015) 2 S.C.R. 415.**

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O.A. No. 73/2023

4. In view of above, the learned Presenting Officer is hereby directed to take specific instructions from the concerned respondent/s on or before the next date of hearing as to whether in terms of the ratio laid down by the Hon'ble Supreme Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India (UOI) & Ors., (2015) 2 S.C.R. 415** and in terms of G.R. dated 09.07.2019 issued by the General Administration Department, State of Maharashtra, the respondent authorities are ready to take decision of revocation of suspension of the applicant.

5. S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 751 OF 2023
(Sakharam M. Ghodke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri V.P. Savant, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. S.O. to 27.06.2024 for citations and elaborate submissions of learned counsel for the applicant.

MEMBER (J)

M.A. No. 214/2023 in O.A. St. No. 612/2023
(Babasaheb D. Puri Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri M.V. Dhongde, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. By consent, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

M.A. No. 393/2023 in O.A. St. No. 1664/2023
(Dwarkabai R. Kumkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri M.S. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 560 OF 2021
(Motiram D. Dakhore Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant (**Leave Note**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 09.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 86 OF 2023
(Shyam M. Yesmod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri D.K. Rajput, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

O.A. Nos. 586 and 618 both of 2023
(Umesh R. Kavle & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. At the request of learned Presenting Officer, S.O. to 20.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 732 OF 2023
(Prabhakar T. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 734 OF 2023
(Girish S. Vasave Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Y.K. Bobade, learned counsel for the applicant and Smt. A.N. Ansari, learned counsel for respondent No. 4, are **absent**.

Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant and respondent No. 4, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 737 OF 2023
(Devidas S. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri S.B. Ghatol Patil, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 12.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 796 OF 2023
(Laxman N. Mandale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Ms. Priyanka R. Deshpande, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 12.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

O.A. Nos. 1015, 1016, 1017 & 1019 all of 2019
(Sakharam P. Ranbavle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned counsel for the applicant, S.O. to 12.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 698 OF 2023
(Suresh R. Warade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 12.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

ORIGINAL APPLICATION NO. 104 OF 2024
(Vishnu S. Darade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Shri Gajanan Kadam, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri H.P. Jadhav, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. As none present for respondent Nos. 3 & 4, S.O. to 12.06.2024 for final hearing. Status quo granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 10.05.2024

O.A. No. 376/2024 with M.A. St. 1164/2024
(Vidya U. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant in O.A. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

Shri G.K. Naik Thigle, learned counsel for the applicant in M.A. / intervenor, **is absent.**

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1 in O.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

4. Leave granted. The Original Application is disposed of as withdrawn. M.A. St. No. 1164/2024 also stands disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.818/2021

(Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.16/2022

(Vd. Piyush K. Gandhi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

O.A.NO.818/21

Shri Dilip Mutalik, learned counsel holding for Shri S.D.Joshi, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, Shri V.K. Chavan, learned counsel holding for Shri Amol T. Jagtap, learned Counsel for respondent no.9, and Shri S.G.Kulkarni, learned Counsel for respondent no.8, are present.

Shri Ajit Kadethankar, learned Counsel for respondent no.6, Shri Akshay H. Joshi, learned Counsel for respondent no.7 **are absent.**

O.A.NO.16/22

Shri A.S.Deshmukh, learned Counsel for the applicants, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent nos.4 to 7, are present.

2. S.O. to 21.06.2024. Interim relief granted earlier to continue till then. **High on board.**

MEMBER (A)

VICE CHAIRMAN

**O.A. NO. 447/2022 WITH M.A.ST.NO. 2166/2023
WITH M.A.NO. 542/2022 WITH M.A.NO. 261/2022
WITH M.A.NO. 257/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Vinay Kargaonkar, Member (A)**

DATE : 10.05.2024

ORAL ORDER :

Shri S.S. Sarada, learned counsel holding for Shri Mohit R. Deshmukh, learned counsel for the applicants in M.A.ST. 2166/2023, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in M.A. No. 542/2022 and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities, are present.

Shri S.K. Kadam, learned counsel for respondent No. 2 in O.A., Shri Satyajeet S. Dixit, learned counsel for respondent No. 3 in O.A., Shri S.B. Bhosale, learned counsel for the applicants in M.A. Nos. 261 & 257 both of 2022, **are absent**.

2. S.O. to 20.06.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO.991/2024 IN O.A.ST.NO.992/2024
(Vinayak V. Nakhate & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Since all the applicants are from this region agitating a common cause and having identical grievance, we are inclined to allow the M.A. for sue jointly. Hence, M.A. for sue jointly is allowed and disposed of.

3. O.A. be registered and numbered in accordance with law, after removal of office objections, if any, and after payment of requisite court fees, if already not paid.

MEMBER (A)
YUK ORAL ORDER 10.05.2024

VICE CHAIRMAN

O.A.ST.NO.992/2024

(Vinayak V. Nakhate & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Not on board, on request of learned Counsel for the applicants taken on board. After registration of O.A., issue notice to respondents, returnable on 20-06-2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 20-06-2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 10.05.2024

M.A.NO.167/2024 IN O.A.NO.850/2023
(Yuvraj S. Bhosale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Shri Ajinkya S. Reddy, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Time is sought to be extended for carrying out the amendment which has been allowed by the Tribunal. Time is extended by two weeks for carrying out the amendment.

3. S.O. to 27-06-2024.

MEMBER (A)
YUK ORAL ORDER 10.05.2024

VICE CHAIRMAN

T.A.NO.14/2024 (W.P.NO.1832/2024)
(Gajanan D. Naik Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Shri S.P.Dhoble, learned Counsel holding for Shri Shriniwas T Solanke, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant submits that despite efforts made by him addresses are not received to him. Learned P.O. submits that he will ensure that addresses are provided to the learned Counsel within a week.

3. If such addresses are received, applicant is permitted to add the said respondents as party respondents in the present matter and the notice may be issued against them, returnable on 09-07-2024.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 09-07-2024.

9. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1135/2022
(Sandip K. Tarte Vs. District Collector, Ahmednagar)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned CPO files affidavit in reply on behalf sole respondent. It is taken on record. He undertakes to serve copy of the reply on the other side.
3. S.O. to 10-07-2024.

MEMBER (A)
YUK ORAL ORDER 10.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.545/2024
(Sudesh M. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri S.B.Solanke, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Departmental enquiry was conducted against the applicant and the disciplinary authority has passed an order of compulsory retirement against the applicant. Against the order passed by the disciplinary, appeal is provided to be preferred before the State Government within 60 days from the date of passing order by the disciplinary authority. Disciplinary authority has passed an order of compulsory retirement on 27-11-2018. The applicant preferred the appeal before the State Government on 24-01-2019. According to applicant, he has thus preferred appeal within stipulated period. It is the grievance of the applicant that till today the Additional Chief Secretary, Home Department has not decided the said appeal. In the circumstances, direction has been sought against

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O.A.NO.545/2024

the appellate authority i.e. respondent no.1 to decide the appeal preferred by the present applicant within stipulated period.

3. Learned CPO after having considered the contentions raised in the matter submitted for passing appropriate order instead of issuing notice and keeping the matter pending for that purpose.

4. Having considered the facts as aforesaid, we deem it appropriate to dispose of the present O.A. at this stage itself with following order:

O R D E R

[i] Respondent no.1 shall decide the appeal filed by the applicant on 24-01-2019 within the period of 8 weeks from the date of this order.

[ii] O.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 10.05.2024

ORIGINAL APPLICATION ST. NO.1159/2024
(Gorakshnath S. Wade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 10.05.2024

ORAL ORDER :

Heard Shri Amol R. Gaikwad, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned Counsel seeks leave to withdraw the present O.A. with liberty to file it before the Principal Bench of Tribunal at Mumbai. In the result following order is passed:

ORDER

O.A. stands disposed of as withdrawn with liberty as prayed for. No costs.

MEMBER (A)
YUK ORAL ORDER 10.05.2024

VICE CHAIRMAN